

IN THE DISTRICT COURT OF CREEK COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
CREEK COUNTY SAPULPA OK

DEC 30 2021

TIME 8:45am
Amanda VanOrsdol, COURT CLERK

ALAINE F. ESPINOSA CASTILLO,

Plaintiff,

VS.

KELVIN SANCHEZ ROSARIO;
C.R. ENGLAND, INC.,

Defendants.

Case No.

CJ 2021-282

DOUGLAS W. GOLDEN

PETITION

COMES NOW the Plaintiff, ALAINE F. ESPINOSA CASTILLO, and for its cause of action against Defendants, KELVIN SANCHEZ ROSARIO and C.R. ENGLAND, INC., alleges and states as follows:

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff ALAINE F. ESPINOSA CASTILLO is an individual residing in Las Vegas, Nevada.
2. Defendant KELVIN SANCHEZ ROSARIO is an individual residing in Panama City, Florida.
3. Defendant C.R. ENGLAND, INC., is a trucking company with its headquarter in Salt Lake City, Utah.
4. This Court has jurisdiction over the subject matter of this action and the parties to this action, and venue is proper in this district.

II. FACTS

5. On June 30, 2020, Defendant KELVIN SANCHEZ ROSARIO was traveling



- c. by failing to keep a careful lookout;
- d. by driving off the designated road; and/or
- e. by not paying attention to the road;

15. Defendant KELVIN SANCHEZ ROSARIO owed Plaintiff a duty to drive in a reasonably safe manner and devote his full time and attention to such driving.

16. As a result of Defendant's negligence, Plaintiff was damaged as set forth above.

B. Vicarious liability against Defendant C.R. ENGLAND, INC., for the negligent or negligent per se acts, or both, of Defendant KELVIN SANCHEZ ROSARIO

17. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

18. At all times material hereto, Defendant KELVIN SANCHEZ ROSARIO was the employee, statutory employee, agent and/or servant of Defendant C.R. ENGLAND, INC.

19. All actions of Defendant KELVIN SANCHEZ ROSARIO specified herein occurred within the scope of such employment, statutory employment and/or agency with Defendant C.R. ENGLAND, INC.

20. That under the doctrine of respondeat superior, Defendant C.R. ENGLAND, INC., is vicariously liable for the negligent or negligent per se acts, or both, of Defendant KELVIN SANCHEZ ROSARIO.

21. As a result of Defendants' negligence, Plaintiff was damaged as set forth above.

C. Negligent entrustment, hiring, training, supervision, and retention against Defendant C.R. ENGLAND, INC.

22. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

23. Defendant C.R. ENGLAND, INC., owes a duty of due and reasonable care to adequately investigate, hire, supervise, retain and/or train its employees, agents, managers, officers, directors, independent contractors and/or servants, including, but not limited to Defendant KELVIN SANCHEZ ROSARIO.

24. Plaintiff is informed and believes and therefore alleges that Defendant C.R. ENGLAND, INC., breached its duty by failing to adequately investigate, hire, supervise, retain and/or train its employees, agents, managers, officers, directors, independent contractors and/or servants, including, but not limited to Defendant KELVIN SANCHEZ ROSARIO.

25. Upon information and belief, Defendant C.R. ENGLAND, INC., negligently entrusted Defendant KELVIN SANCHEZ ROSARIO with its commercial motor vehicle, and knew or should have known that Defendant KELVIN SANCHEZ ROSARIO was incompetent and/or reckless to drive the commercial motor vehicle.

26. As a result of said Defendant C.R. ENGLAND, INC.'s negligent entrustment and failure to adequately investigate, hire, supervise, retain and/or train its employees, agents, managers, officers, directors, independent contractors and/or servants, including, but not limited to Defendant KELVIN SANCHEZ ROSARIO, Defendant KELVIN SANCHEZ ROSARIO was placed in a position unsuitable and/or inadequately trained individuals should not have held.

27. As a direct and proximate result of Defendant C.R. ENGLAND, INC.'s negligence as alleged herein, Plaintiff has suffered, and continues to suffer, injuries entitled her to monetary damages in an amount in excess of \$75,000 as to be proved specifically at the time of trial.

IV. JURY REQUEST

28. Plaintiff hereby demands a jury trial.

V. PRAYER

Plaintiff prays for judgment in their favor and against Defendants for an amount in excess of \$75,000 including but not limited to:

- a. Actual damages;
- b. Past and future medical expenses;
- c. Past and future pain and suffering;
- d. Past and future mental anguish;

- e. Past and future impairment;
- f. Attorney's fees and expenses; and
- g. Punitive damages

Respectfully submitted,

WILLIAMS HART BOUNDAS HART, L.L.P

By: Cesar Tavares

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